

PLANNING BOARD – REGULAR MEETING

NOVEMBER 21, 2015

A regular meeting of the Planning Board was convened on November 21, 2015, at Town Hall, 8 Conway Street, Deerfield, MA.

Present: John Waite (Chair), Rachel Blain, John Baronis, Roger Sadoski, Paul Allis

Absent: Henry “Kip” Komosa, Max Antes

Also Present: Pat Smith (FRCOG), Meredith Borenstein (New England Environmental), Dan Werner, John Pekarski.

The Meeting was called to order at 7:05 PM. A quorum was declared (5 members).

REVIEW OF MINUTES

OCTOBER 5, 2015

The minutes from October 5 were reviewed.

Corrections:

- *Change: “be changed from 12,000 square feet” changed to “be changed from 1 acre”*

It was MOVED by Allis, SECONDED by Baronas,

To approve the minutes as Amended.

VOTED: 4, 0, 1.

OCTOBER 22, 2015

The minutes from October 22 were reviewed.

Corrections:

- *Attendance should include Max Antes, but not include John Baronas.*
- *Next meeting was set to November 16, not November 2 as printed.*

It was MOVED by Sadoski, SECONDED by Blain,

To approve the minutes as amended.

VOTED: 3, 0, 2.

PUBLIC COMMENT

There was no public comment.

OLD BUSINESS

SITE PLAN REVIEW – 901 RIVER ROAD

(John Baronas recused himself during these deliberations)

Pat Smith (FRCOG) and Meredith Borenstein (New England Environmental) were present.

A review of the site-plan assessment, prepared by Pat Smith, was reviewed, with current revisions.

There was review of recent additions, including new soil analysis data, a slope analysis, a project “Area of Interest”, revised stormwater calculations, the addition of two new stormwater retention basins, and additional notes regarding construction period erosion and sediment controls.

Outstanding issues relate to the decommissioning fund, and whether or not the town wishes to require language naming the town as a beneficiary of the decommissioning escrow fund, bond or other financial surety.

Other points of the plan, meeting required areas of concern, such as noise levels, electrical schematic, emergency access, comments on the plan, excavation permits, PILOT agreement, and Site Plan fees, were reviewed.

NOTE: Kip Komosa arrived at 7:27 PM)

A concern was raised in relation to general approval of stormwater management plans, and the Planning Board’s approval of same.

It was recommended that the planning board NOT refer to the Conservation Commission’s approval of Stormwater Review, but instead to grant Site Plan Approval of a specific plan (as revised on October 20, 2015, and prepared by New England Environmental).

The question of substantial plan revisions, as may be required to meet Conservation Commission requirements, must come back to the Planning Board for review. It was generally agreed that if the overall site plan changes significantly, that the Planning Board would want an opportunity to review the changes.

The DRAFT SITE PLAN REVIEW DECISION was presented.

Corrections:

- Page 4: “...and a Joint Public Hearing conducted with the ~~Zoning Board of Appeals~~ Conservation Commission...”
- Add to Item 1: “All construction traffic shall use the 901 River Road entrance.”

- Item 5 (Decommissioning Fund); there was concern about adding the item into their decision, as it was not generally within the scope of the site-plan approval. It was generally agreed to remove the item from the Decision.
- Item 9: Emergency Preparedness: The language was requested to be simpler – “the fire department shall be provided with a means to open the gate on the access road(s) to the security fencing around the array, and shall have a means to access emergency shut-offs for the solar array.”
- Item 10: language to be changed to “...shall be valid for the same period, and shall run coterminous with, the Use Variance, as issued by the Deerfield Zoning Board of Appeals on ____ (date)____.” (eliminating the remainder of that passage).

It was MOVED by Blain, and SECONDED by Komosa

To Approve the Site Plan and Accompanying Documents, including all revised documents, and to authorize members to sign the revised Site Plan Approval Decision.

VOTED: 5, 0, 0.

A revised notice of decision will be drafted by Pat Smith, with final review for typographic and incidental errors.

NOTE: John Baronas resumed participation.

NEW BUSINESS

ANR – JOHN AND CHARLOTTE PEKARSKI – 291B CONWAY ROAD

An “Approval Not Required” plan, as presented on behalf of John and Charlotte Pekarski, was reviewed.

Dan Werner (surveyor) walked the Board through the intent of the plan, and described the specific changes, and the new lots to be created. Specific questions related to lot size, and zoning regulations were discussed.

The ANR is requested under MGL Chapter 41, Sec. 81L, and the applicability of same was discussed.

The setbacks were reviewed, and determined to be conforming for the zone.

It was MOVED by Allis, SECONDED by Komosa,

To endorse the ANR plan as presented, it being in conformity of MGL Chapter 41, Section 81L.

VOTED: 6, 0, 0.

The Planning Board signed copies of the plan.

DAN WERNER, POCUMTUCK DRIVE

Dan Werner reviewed a map, and described the potential for an ANR that may come before the Planning Board. The deed restrictions were discussed, and the history of the area was also considered. Mr. Werner asked about the possibility of subdividing the lot for building, and whether the division would be approved by the Planning Board, if requested.

Baronas: Your question is to get an interpretation of the 1986 decision, and to ask whether subdividing the land would be permitted by this board?

Werner: Yes.

The board considered whether or not a determination could be made on a subdivision or an ANR.

The board suggested that Dan Werner identify whether or not the road provides frontage, in which case an ANR could be used to subdivide the lot.

Mr. Werner said he would take the suggestion under advisement.

UNANTICIPATED BUSINESS

A "Request for Comments", related to a special permit request to operate a Bed and breakfast at 754 River Road, was considered. No comments were forwarded.

A Request for Comments was received from the ZBA, in relation to an Extra Large Solar Installation Mill Village Road. Mr. Waite expressed disappointment in relation to the request, stating that the request is in relation to LARGE scale solar installation, and not an Extra Large Solar.

Baronas: 100 Foot set-back is necessary for the panels to not be shaded by trees. Is there any recourse that an owner could take, if a reduced set-back created shade from trees on a neighbor's lot, and could create reason for future litigation.

The purposes for setbacks were discussed. The reasons for the request were discussed.

The board generally agreed a set-back of less than 100 feet was acceptable to the board.

Mail

Mail was reviewed. There were no comments.

SET DATE FOR NEXT MEETING

The next meeting was scheduled for Monday, December 7, 2015, 7 PM, Deerfield Town Hall. To be added to the agenda:

- Pat Smith fee schedule will be drafted, and presented to the board prior to the next meeting.

ADJOURNED

There being no further business, it was MOVED by Allis, SECONDED by Komosa,

To Adjourn

VOTED: 4, 0, 0.

The meeting was declared adjourned at 8:57 PM.

Respectfully submitted,

Douglas C. Finn